

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA  
Civil No. 04-4264 (DSD/RLE)

Randal Gale Soppeland,

Plaintiff,

v.

**ORDER**

Commissioner of Social  
Security,

Defendant.

This matter is before the court upon plaintiff Randal Gale Soppeland's objections to the report and recommendation of Magistrate Judge Raymond L. Erickson [Docket No. 33], dated February 17, 2006. After considering the merits of this administrative appeal, the magistrate judge recommended that the court remand the case to the Commissioner of Social Security.

The court reviews the reports and recommendations of the magistrate judge de novo. 28 U.S.C. § 636(b)(1)(C). Plaintiff objects to the magistrate judge's failure to recommend a finding of disability and the immediate award of benefits. After a thorough review of the entire file and record, the court finds that the report and recommendation of the magistrate judge is well-reasoned and correctly concludes that additional medical information is needed regarding (1) the extent to which plaintiff's pain limits him physically and (2) whether or how plaintiff's back condition results in such a level of pain that precludes substantial gainful

activity. (See R&R at 54-55.) Therefore, the court adopts the report and recommendation of the magistrate judge in its entirety.<sup>1</sup>

Accordingly, after a de novo review of the file and record, **IT IS HEREBY ORDERED THAT:**

1. Plaintiff's motion for summary judgment [Docket No. 26] is denied as to outright reversal and an award of benefits but granted as to the alternative request that the case be remanded for further administrative proceedings.

2. Plaintiff's motion to remand [Docket No. 20] is denied as moot.

3. Defendant's motions for summary judgment [Docket Nos. 15, 30] are denied.

4. The decision of the Commissioner is reversed and the case is remanded for further administrative proceedings consistent with this order and with the report and recommendation dated February 17, 2006.

**LET JUDGMENT BE ENTERED ACCORDINGLY.**

Dated: March 8, 2006

s/David S. Doty  
David S. Doty, Judge  
United States District Court

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<sup>1</sup> The court notes that the magistrate judge recommended denying plaintiff's summary judgment motion. (See R&R at 55.) However, plaintiff asked in the alternative for a remand to the Commissioner for further proceedings. (See Docket No. 26.) Therefore, the court denies plaintiff's motion in part rather than denying the motion entirely.